IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 31717 of 2006(A)

PETITIONER:

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1. SIVAPRASAD, PELLATHU VADAKKATHIL
   KIZHAKKATHIL, IVERKALA, PUTHANAMBALAM P.O.,
   KUNNATHOOR, KOLLAM DISTRICT.

2. R.ANILKUMAR, KARAKKATTU PUTHEN VEEDU,
   KUNNATHOOR EAST P.O., KOLLAM DISTRICT.

3. K.MADHUSOODANAN PILLAI,
   KARAKKATTU PUTHEN VEEDU, PUTHANAMBALAM P.O.,
   IVERKALA, KOLLAM DISTRICT.

4. REMADEVI PILLAI, GOWRI VILASAM,
   IVERKALA PADINJAREKKARA THEKKU, PUTHANAMBALAM PO,
   KUNNATHOOR, KOLLAM DISTRICT.

5. RAJEEVAN NAIR, AYANIVILA VEEDU,
   PUTHANAMBALAM P.O., KUNNATHOOR,
   KOLLAM DISTRICT.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.K.K.RAJEEV

RESPONDENTS:

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1. THE VILLAGE OFFICER,
   KUNNATHOOR VILLAGE, KUNNATHOOR EAST P.O.,
   KOLLAM DISTRICT.

2. THE TAHSILDAR,
   KUNNATHOOR TALUK, TALUK OFFICE,
   SASTHAMCOTTA P.O., KOLLAM DISTRICT.

3. THE DISTRICT COLLECTOR,
   KOLLAM.

BY GOVERNMENT PLEADER SMT.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.31717 of 2006

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Dated this the 19th day of February, 2007.

JUDGMENT

Exts.P1 to P5 are requests made by the petitioners for issuance of possession certificate and site plan. Such request is made to enable the petitioners to move the competent authority for licence under the Kerala Minor Mineral Concession Rules. If Exts.P1 to P5 applications relate to properties over which the petitioners have possession, the competent among the respondents will consider the same and issue possession certificate and site plan. However, if he is of the view that the petitioners have no possession over the lands, the said decision will have to be communicated to the petitioners. Let that be done within a period of three weeks from the date of receipt of a copy of this judgment. It is clarified that these directions shall not, in any way, guide the competent authority for grant of licence under the Kerala Minor Mineral Concession Rules, who will take into consideration all necessary facts and factors, including any other lawful

directions touching the same. This has to be ensured particularly because the counter affidavit filed by the second respondent is made with reference to certain other objections.

Writ Petition is disposed of in the above terms.

Thottathil B.Radhakrishnan,
Judge.

sl.